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SIPDIS

SENSITIVE

STATE FOR EUR/ERA AND EUR/AGS

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SUBJECT: Austrian Parliament ratifies EU Constitution

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1. (U) On May 11, the Austrian parliament voted to ratify the EU Constitution. Only one MP, Barbara Rosenkranz (Freedom Party), voted "no." In the debate that preceded the vote, government representatives stressed that the EU Constitution would bring the member states together to shape a social, peaceful and economically efficient Europe. Opposition Social Democrats and Greens also spoke in favor of the constitution, but criticized the government for failing to educate the public sufficiently about the EU Constitution, and for not pushing hard enough for an EU-wide referendum on the new constitution.

2. (SBU) Just before the vote, Joerg Haider, Carinthian Governor and head of the Future Alliance Austria (BZO, the junior partner in the federal coalition), called for an Austrian referendum on the EU Constitution. Haider, joined by the mass-circulation daily "Kronenzeitung" and a few constitutional law experts, argued that adoption of the Constitutional Treaty would amount to a fundamental change in Austria's constitutional system, and therefore necessitated a referendum. Haider's reasoning was a bit tortuous. He explained that BZO MPs would vote to ratify, but he would then try to sue to force a referendum. Neither the state government of Carinthia nor the incumbent BZO ministers supported his position, however, so that his initiative appears still-born.

3. (SBU) Chancellor Schuessel rejected Haider's call, pointing out with its 1995 EU accession Austria had already recognized the precedence of EU over Austrian law, making a national referendum unnecessary. Legal challenges via the Constitutional Court are still possible, but given the history of previous court rulings, have little chance of success. Pro-forma confirmation by Parliament's upper house, consisting of representatives of the states, is a foregone conclusion. That last step may take place on May 25.

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